IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE Dr. JUSTICE G.YETHIRAJULU**

**WRIT PETITION No. 15982 of 2004**

Between:

Akbar Ali, s/o Ameer Ali, aged about 23 years,
r/o Diamond Transport, NH-7, Adilabad.

**..... PETITIONER**

AND

1 The Secretary, Regional Transport Authority,
Adilabad.
2 The Motor Vehicle Inspector, Integrated Check Post,
Saloora, Nizamabad District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of a writ of mandamus, declaring the seizure of the petitioner's vehicle bearing No.MH/29-6604 seized under vehicle check report No.0092165, dt.26.8.2004 by the 2nd respondent as illegal, arbitrary, unjust, and consequently direct the respondents to release the vehicle of the petitioner forthwith.

**Counsel for the Petitioner: MR.B.SIVA RAMA KRISHNAIAH**

**Counsel for the Respondent No.: GP FOR TRANSPORT**

**The Court made the following:**

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**ORDER:**

The petitioner claims that he is the owner of the Idle Contract Carriage vehicle bearing No.MH/29-6604. He further contends that on 26.08.2004 while the vehicle was returning to Hyderabad from Pusad, the 2nd respondent stopped the vehicle, checked the same and after issuing a check report, seized the said vehicle on the ground that the petitioner failed to produce the documents of the vehicle.

2. The petitioner contends that when he approached the 1st respondent, the vehicle was not released. Therefore, he approached this Court seeking release of the vehicle by declaring that the seizure of the vehicle through the report dated 26.08.2004 is illegal, arbitrary and unjust.

3. The vehicle was seized on the ground that the petitioner failed to produce the documents of the vehicle. The matter is pending before the 1st respondent. It is likely to take some time to finalise the matter. In the meanwhile, the vehicle is likely to be damaged, if it is kept idle.

4. Therefore, the 1st respondent is directed to release the vehicle bearing No.MH/29-6604 to the petitioner for interim custody, pending enquiry, on condition of depositing Rs.10,000/- (Rupees ten thousand only) with the 1st respondent, and also on complying the following conditions:

1. The petitioner shall not transfer the vehicle in favour of others;

2. He shall not change any parts of the vehicle without the permission of the 1st respondent;

3. The petitioner shall produce the vehicle as and when required by the 1st Respondent;

5. The petitioner shall cause production of all the documents available with him and participate in the enquiry to enable the 1st respondent to pass appropriate orders on merits.

6. The Writ Petition is, accordingly, disposed of.

**dsr**

**ASSISTANT REGISTRAR**

// TRUE COPY //

SECTION OFFICER

**To:**

1. The Secretary, Regional Transport Auithority,
Adilabad.

2. The Motor Vehicle Inspector,
Integrated Check Post, Saloora,
Nizamabad District

3. Two CCs to the Government Pleader for Transport,
High Court Buildings, Hyderabad (OUT)

4. Two CD copies.